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By: **Delegates Zirkin, Amedori, and O'Donnell**  
Introduced and read first time: February 14, 2003  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Residential Child Care Programs - Direct Care Staff - Qualifications**

3 FOR the purpose of requiring the Special Secretary of the Office for Children, Youth,  
4 and Families to adopt regulations relating to licensing certain residential child  
5 care programs and establishing qualifications for direct care staff in certain  
6 residential child care programs; setting certain age requirements and education  
7 levels for direct care staff; requiring that direct care staff meet certain  
8 qualifications by a certain date; and generally relating to direct care staff in  
9 residential child care programs.

10 BY repealing and reenacting, without amendments,  
11 Article 49D - Office for Children, Youth, and Families  
12 Section 2 and 4(b)(2), (5), and (9)  
13 Annotated Code of Maryland  
14 (1998 Replacement Volume and 2002 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article 49D - Office for Children, Youth, and Families  
17 Section 4(b)(15)  
18 Annotated Code of Maryland  
19 (1998 Replacement Volume and 2002 Supplement)

20 BY adding to  
21 Article 49D - Office for Children, Youth, and Families  
22 Section 4.4  
23 Annotated Code of Maryland  
24 (1998 Replacement Volume and 2002 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That the Laws of Maryland read as follows:

**Article 49D - Office for Children, Youth, and Families**

2 2.

3 (a) The Special Secretary of the Office for Children, Youth, and Families is  
4 responsible for overseeing the general policy for children, youth, and family services  
5 in the State.

6 (b) (1) The policy shall be to promote a stable, safe, and healthy  
7 environment for children and families, thereby increasing self-sufficiency and family  
8 preservation.

9 (2) This requires a comprehensive, coordinated interagency approach to  
10 provide a continuum of care that is family and child oriented and emphasizes  
11 prevention, early intervention, and community-based services. Priority shall be given  
12 to children and families most at risk.

13 4.

14 (b) The Special Secretary shall:

15 (2) Examine public and private programs, services, and plans for  
16 children, youth, and their families for the purpose of identifying duplications,  
17 inefficiencies, and unmet needs and evaluating the effectiveness of those programs,  
18 services, and plans;

19 (5) In consultation with the Secretaries of Health and Mental Hygiene,  
20 Human Resources, and Juvenile Justice and the State Superintendent of Schools,  
21 develop an interagency plan that reflects the priorities for children, youth, and family  
22 services;

23 (9) Promote interagency consensus and, with the concurrence of the  
24 Governor, resolve conflicting agency positions on issues relating to children, youth,  
25 and family services;

26 (15) Adopt rules and regulations necessary to carry out the provisions of  
27 this article, INCLUDING:

28 (I) REGULATIONS RELATING TO LICENSING RESIDENTIAL CHILD  
29 CARE PROGRAMS; AND

30 (II) REGULATIONS ESTABLISHING QUALIFICATIONS FOR DIRECT  
31 CARE STAFF IN RESIDENTIAL CHILD CARE PROGRAMS IN ACCORDANCE WITH § 4.4 OF  
32 THIS ARTICLE;

33 4.4.

34 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
35 INDICATED.

1                   (2)    (I)    "AGENCY" MEANS A DEPARTMENT THAT LICENSSES A  
2 RESIDENTIAL CHILD CARE PROGRAM.

3                               (II)    "AGENCY" INCLUDES:

- 4                               1.       THE DEPARTMENT OF HUMAN RESOURCES;
- 5                               2.       THE DEPARTMENT OF JUVENILE JUSTICE; AND
- 6                               3.       IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,  
7 THE MENTAL HEALTH ADMINISTRATION AND THE DEVELOPMENTAL DISABILITIES  
8 ADMINISTRATION.

9                   (3)    "DIRECT CARE STAFF" MEANS STAFF ASSIGNED TO PERFORM  
10 DIRECT RESPONSIBILITIES RELATED TO ACTIVITIES OF DAILY LIVING, SELF-HELP,  
11 AND SOCIALIZATION SKILLS OF THE CHILDREN IN THE PROGRAM.

12                   (4)    "LICENSE" MEANS THE APPROVAL GRANTED BY AN AGENCY TO  
13 OPERATE A RESIDENTIAL CHILD CARE PROGRAM.

14                   (5)    (I)    "RESIDENTIAL CHILD CARE PROGRAM" MEANS AN ENTITY THAT  
15 PROVIDES FOR CHILDREN 24-HOUR-PER-DAY CARE WITHIN A STRUCTURED SET OF  
16 SERVICES AND ACTIVITIES THAT ARE DESIGNED TO ACHIEVE SPECIFIC OBJECTIVES  
17 RELATIVE TO THE NEEDS OF THE CHILDREN SERVED AND THAT INCLUDES THE  
18 PROVISION OF FOOD, CLOTHING, SHELTER, EDUCATION, SOCIAL SERVICES, HEALTH,  
19 MENTAL HEALTH, RECREATION, OR ANY COMBINATION OF THESE SERVICES AND  
20 ACTIVITIES.

21                               (II)    "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES, AS THESE  
22 TERMS ARE DEFINED BY LAW:

- 23                               1.       ALTERNATIVE LIVING UNITS;
- 24                               2.       GROUP HOMES;
- 25                               3.       CHILD CARE INSTITUTIONS;
- 26                               4.       THERAPEUTIC GROUP HOMES;
- 27                               5.       SHELTER CARE PROGRAMS; AND
- 28                               6.       RESIDENTIAL FACILITIES FOR CHILDREN WITH  
29 DEVELOPMENTAL DISABILITIES.

30    (B)    (1)    THE SPECIAL SECRETARY SHALL ADOPT REGULATIONS THAT  
31 REQUIRE THAT ALL DIRECT CARE STAFF OF A RESIDENTIAL CHILD CARE PROGRAM  
32 LICENSED BY AN AGENCY MEET CERTAIN QUALIFICATIONS BY JULY 1, 2008.

33                   (2)    AT A MINIMUM, THE REGULATIONS SHALL REQUIRE DIRECT CARE  
34 STAFF TO:

**HOUSE BILL 1013**

1 (I) 1. BE AT LEAST 21 YEARS OLD; AND

2 2. HAVE AN ASSOCIATE OF ARTS DEGREE FROM AN  
3 ACCREDITED COLLEGE OR UNIVERSITY BASED ON A CURRICULUM APPROVED BY  
4 THE MARYLAND HIGHER EDUCATION COMMISSION; OR

5 (II) HAVE A BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE  
6 OR UNIVERSITY IN A HUMAN SERVICE FIELD.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2003.